

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1. JANE DOE,

Plaintiff,

v.

2. RICARDO MUNGUIA,

Defendant.

Case Action No. 24-cv-00394-SH

PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT BY THE CLERK

TO: Heidi D. Campbell, Clerk of Court
United States District Court
For the Northern District of Oklahoma

Pursuant to Fed. R. Civ. P. 55(a) and N.D. Local Rule 55.1(a), Plaintiff Jane Doe ("Plaintiff") respectfully requests Entry of Default by the Clerk against RICARDO MUNGUIA ("Munguia" or "Defendant") for failure to plead or otherwise defend as provided by the Federal Rules of Civil Procedure. In support of this Request, Plaintiff state as follows:

1. Plaintiff filed their Complaint against Munguia on August 26, 2024. *Dkt. 2*. A Summons was duly issued to Munguia by the Clerk of Court on September 9, 2024. *Dkt. 11*.
2. As evidenced by the return Summons, with Proof of Service duly sworn to therein, filed on September 16, 2024 (*Dkt. 12*), Munguia was properly served by leaving the summons at the individual's residence or usual place of abode with John Doe, a person of suitable age and discretion who resides at 5504 S 74th East Ave, Tulsa, OK 74145, on September 12, 2024 at 1:33 PM, and mailed a copy to the individual's last known address. *Dk 12*.

3. The time for Munguia to answer or otherwise respond to the Complaint has now expired. Munguia has not filed an answer, made any response to the Complaint, or indicated any intent to defend this manner. Therefore, Plaintiffs are entitled to entry of default.
4. Defendant is neither an infant nor an incompetent person requiring special service in accordance with Rule 4(g), Federal Rules of Civil Procedure, and is not serving with the armed forces of the United States entitled to the protection of 50 U.S.C. App. Section 521.

Dated: October 22, 2024

Respectfully submitted,

By: /s/Daniel Szalkiewicz, Esq.
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and on the defendant, Ricardo Munguia, by United States Mail, First Class Mail to the said defendant at his last known address, 5504 S 74th East Ave, Tulsa, OK 74145.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: October 22, 2024
New York, New York

By: /s/Daniel Szalkiewicz
Daniel S. Szalkiewicz, Esq. (DS2323)